

**EDUCATION ACCOUNTABILITY**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Duane E. Bourdeaux**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill defines achievement gap and requires certain actions to address the achievement gap.

**Highlighted Provisions:**

This bill:

- ▶ defines accountability system, achievement gap, and student group;
- ▶ requires the State Board of Education to set certain education performance standards, report specified information, and establish procedures to close any identified achievement gap;
- ▶ requires schools and school districts to annually report certain information on achievement of student groups;
- ▶ requires schools and school districts to make plans and take certain actions to close any identified achievement gap; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28        **53A-1-402**, as last amended by Chapter 227, Laws of Utah 2005  
29        **53A-1-602**, as last amended by Chapter 7, Laws of Utah 2002, Sixth Special Session  
30        **53A-1-603**, as last amended by Chapter 7, Laws of Utah 2002, Fifth Special Session  
31        **53A-1-606.5**, as last amended by Chapters 210 and 324, Laws of Utah 2002  
32        **53A-1a-103**, as enacted by Chapter 47, Laws of Utah 1992  
33        **53A-1a-104**, as last amended by Chapter 315, Laws of Utah 2003  
34        **53A-1a-106**, as last amended by Chapter 221, Laws of Utah 2003  
35        **53A-1a-107**, as last amended by Chapter 221, Laws of Utah 2003  
36        **53A-1a-108**, as last amended by Chapter 324, Laws of Utah 2002  
37        **53A-1a-108.5**, as enacted by Chapter 324, Laws of Utah 2002  
38        **53A-3-402**, as last amended by Chapter 2, Laws of Utah 2005, First Special Session  
39        **53A-3-602.5**, as last amended by Chapters 210 and 244, Laws of Utah 2002  
40        **53A-3-701**, as last amended by Chapter 221, Laws of Utah 2003

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42        *Be it enacted by the Legislature of the state of Utah:*

43        Section 1. Section **53A-1-402** is amended to read:

44        **53A-1-402. Board to establish minimum standards for public schools.**

45        (1) The State Board of Education shall establish rules and minimum standards for the  
46        public schools that are consistent with this title, including rules and minimum standards  
47        governing the following:

48            (a) (i) the qualification and certification of educators and ancillary personnel who  
49        provide direct student services;

50            (ii) required school administrative and supervisory services; and

51            (iii) the evaluation of instructional personnel;

52            (b) (i) access to programs;

53            (ii) attendance;

54            (iii) competency levels;

55            (iv) graduation requirements; ~~[and]~~

56            (v) exemption rates for achievement tests administered under this chapter; and

57            ~~[(v)]~~ (vi) discipline and control;

58            (c) (i) school accreditation;

- 59 (ii) the academic year;
- 60 (iii) alternative and pilot programs;
- 61 (iv) curriculum and instruction requirements;
- 62 (v) school libraries; and
- 63 (vi) services to:
- 64 (A) persons with a disability as defined by and covered under:
- 65 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;
- 66 (II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and
- 67 (III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and
- 68 (B) other special groups;
- 69 (d) annual performance standards for:
- 70 (i) achievement tests administered under this chapter;
- 71 (ii) student dropout rates;
- 72 (iii) student grade completion and graduation rates;
- 73 (iv) student attendance rates; and
- 74 (v) other indicators under Section 53A-3-602.5, as determined by the State Board of
- 75 Education;
- 76 (e) closing achievement gaps in:
- 77 (i) performance on achievement tests administered under this chapter for individual
- 78 students and student groups, including the performance of students who did not perform at a
- 79 proficient level in the preceding school year on any assessment administered under this chapter;
- 80 and
- 81 (ii) other indicators under Section 53A-3-602.5, as determined by the State Board of
- 82 Education;
- 83 ~~[(d)]~~ (f) (i) state reimbursed bus routes;
- 84 (ii) bus safety and operational requirements; and
- 85 (iii) other transportation needs; and
- 86 ~~[(e)]~~ (g) (i) school productivity and cost effectiveness measures;
- 87 (ii) federal programs;
- 88 (iii) the closure of identified achievement gaps;
- 89 ~~[(iii)]~~ (iv) school budget formats; and

90           ~~[(iv)]~~ (v) financial, statistical, and student accounting requirements.

91           (2) The board shall determine if:

92           (a) the minimum standards have been met; and

93           (b) required reports are properly submitted.

94           (3) The board may apply for, receive, administer, and distribute to eligible applicants  
95 funds made available through programs of the federal government.

96           (4) (a) The Utah College of Applied Technology shall provide competency-based  
97 career and technical education courses that fulfill high school graduation requirements, as  
98 requested and authorized by the State Board of Education.

99           (b) A school district may grant a high school diploma to a student participating in  
100 courses described under Subsection (4)(a) that are provided by the Utah College of Applied  
101 Technology.

102           Section 2. Section **53A-1-602** is amended to read:

103           **53A-1-602. Definitions.**

104           As used in this part:

105           (1) "Accountability system" means a comprehensive system for ensuring the academic  
106 achievement of each student, comprised of:

107           (a) curriculum standards;

108           (b) data, information, reporting, and assessment systems;

109           (c) academic performance and academic growth indicators; and

110           (d) reward and sanction systems that hold both institutions and students accountable  
111 for academic performance and expected academic growth.

112           (2) "Achievement gap" means:

113           (a) a difference between the performance of any individual student or a student group  
114 and the state's highest standard and expectation on a performance indicator;

115           (b) a discrepancy in outcomes for individual students or student groups on a  
116 performance indicator, including:

117           (i) results of standardized tests, including:

118           (A) any achievement test administered under this chapter;

119           (B) the Scholastic Assessment Test (SAT) and Advanced Placement (AP) test  
120 administered by the College Board;

121 (C) the ACT test administered by ACT, Inc.; and

122 (D) the National Assessment of Educational Progress;

123 (ii) high school grade completion and graduation rates; and

124 (iii) college participation and graduation rates; and

125 (c) a discrepancy in access to education programs for individual students or student  
126 groups, including access to:

127 (i) adequate school funding;

128 (ii) a highly qualified teacher;

129 (iii) a rigorous curriculum;

130 (iv) advanced curricula;

131 (v) classroom materials;

132 (vi) program offerings; and

133 (vii) educational technology.

134 ~~[(1)]~~ (3) "Achievement test" means a standardized test which measures or attempts to  
135 measure the level of performance which a student has attained in one or more courses of study.  
136 Achievement tests shall include norm-referenced and criterion-referenced tests.

137 ~~[(2)]~~ (4) "Basic skills course" means a subject which requires mastery of specific  
138 functions, as defined under rules made by the State Board of Education, to include reading,  
139 language arts, mathematics through geometry, science, in grades 4 through 12, and  
140 effectiveness of written expression.

141 (5) "Student group" means students who share similar characteristics, including:

142 (a) race;

143 (b) ethnicity;

144 (c) English language proficiency level;

145 (d) status as recipient or nonrecipient of free or reduced price school lunch;

146 (e) gender; and

147 (f) special education status.

148 ~~[(3)]~~ (6) "Utah Performance Assessment System for Students" or "U-PASS" means:

149 (a) systematic norm-referenced achievement testing of all students in grades 3, 5, 8,  
150 and 11 required by this part in all schools within each school district by means of tests  
151 designated by the State Board of Education;

(b) criterion-referenced achievement testing of students in all grade levels in basic skills courses;

(c) beginning with the 2001-02 school year, a direct writing assessment in grades 6 and 9;

(d) beginning with the 2003-04 school year, a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

(e) beginning with the 2002-03 school year, the use of student behavior indicators in assessing student performance.

Section 3. Section **53A-1-603** is amended to read:

**53A-1-603. Duties of State Board of Education.**

(1) The State Board of Education shall:

(a) require each school district to implement the Utah Performance Assessment System for Students, hereafter referred to as U-PASS;

(b) require the state superintendent of public instruction to submit and recommend criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills competency test, and a direct writing assessment for grades 6 and 9 to the board for approval and adoption and distribution to each school district by the state superintendent;

(c) develop an assessment method to uniformly measure statewide performance, school district performance, and school performance of students in grades 1 through 12 in mastering basic skills courses; and

(d) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program.

(2) Under U-PASS, the state office shall annually require that each district administer:

(a) a statewide norm-referenced test to all students in grades 3, 5, 8, and 11;

(b) statewide criterion-referenced tests in all grade levels and courses in basic skill areas of the core curriculum;

(c) a direct writing assessment to all students in grades 6 and 9, with the first assessment to be administered during the 2001-02 school year; and

(d) a tenth grade basic skills competency test as detailed in Section 53A-1-611, with the first test to be administered during the 2003-04 school year.

(3) The board shall adopt rules for the conduct and administration of U-PASS to

include the following:

(a) the computation of student performance based on information that is disaggregated with respect to race, ethnicity, gender, limited English proficiency, special education status, and those students who qualify for free or reduced price school lunch;

(b) security features to maintain the integrity of the system, which could include statewide uniform testing dates, multiple test forms, and test administration protocols;

(c) the exemption of student test scores, by exemption category, such as limited English proficiency, mobility, and students with disabilities, with the percent or number of student test scores exempted being publically reported at a district level;

(d) compiling of criterion-referenced and direct writing test scores and test score averages at the classroom level to allow for:

(i) an annual review of those scores by parents of students and professional and other appropriate staff at the classroom ~~[level]~~, school, and school district levels at the earliest point in time and consistent with the timeline of the phase-in referred to in Section 53A-1-602 and this section, but no later than by the end of the school year beginning with the 2003-04 school year;

(ii) the assessment of year-to-year student progress in specific classes, courses, and subjects;

(iii) a teacher to review, prior to the beginning of a new school year for the 2003-04 school year and for each school year thereafter, test scores from the previous school year of students who have been assigned to the teacher's class for the new school year; and

(iv) allowing a school district to have its tests administered and scored electronically to accelerate the review of test scores and their usefulness to parents and educators under Subsections (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS; and

(e) providing that:

(i) scores on the tests and assessments required under Subsection (2)(b) shall be considered in determining a student's academic grade for the appropriate course and whether a student shall advance to the next grade level; and

(ii) the student's score on the tenth grade basic skills competency test shall be recorded on the student's transcript of credits.

Section 4. Section **53A-1-606.5** is amended to read:

**53A-1-606.5. Reading achievement in grades one through three -- Monitoring -- Reporting -- Additional instruction.**

(1) (a) The Legislature recognizes that:

(i) reading is the most fundamental skill, the gateway to knowledge and lifelong learning;

(ii) there is an ever increasing demand for literacy in the highly technological society we live in;

(iii) students who do not learn to read will be economically and socially disadvantaged;

(iv) reading problems exist in almost every classroom;

(v) almost all reading failure is preventable if reading difficulties are diagnosed and treated by no later than the end of the third grade; and

(vi) early identification and treatment of reading difficulties can result in students learning to read by the end of the third grade.

(b) It is therefore:

(i) the long-term goal of the state to have every student in the state's public education system reading on or above grade level by the end of the third grade; and

(ii) the short-term goal of the state to have 90% or more of all third graders reading on or above grade level by the end of the third grade in 2006.

(c) (i) The State Board of Education, through the superintendent of public instruction, shall annually report on progress towards achieving the goals established in Subsection (1)(b).

(ii) The information shall be reported in the school performance report required under Section 53A-3-602.5, beginning with the 2002-03 school year, and include the following for each school district and elementary school:

(A) the number and percent of all students reading on or above grade level at the end of the first, second, and third grades;

(B) the annual reading achievement growth from the prior year and cumulative reading achievement growth from the base year of 2001-02 in the percent of students reading on or above grade level for each year;

(C) those schools that reach the 90% reading achievement goal or achieve a sufficient magnitude of gain each year as determined by the State Board of Education from the 2001-02 base year or do both; and



(D) those elementary schools that fail to achieve a sufficient magnitude of gain each year as determined by the State Board of Education from the 2001-02 base year.

(d) The State Board of Education, through the superintendent of public instruction, shall determine as part of the U-PASS testing program:

(i) the appropriate statewide tests to assess reading levels at the end of each year in the first, second, and third grades;

(ii) an appropriate standard or cut score on each assessment for determining grade level reading mastery; and

(iii) the actual percent of students reading on or above grade level in the first, second, and third grades at each public elementary school as required under Subsection (1)(c)(i) by dividing the headcount enrollment of students reading on or above grade level at that grade by the headcount enrollment of students in the building at that grade on the date that the reading assessment is administered.

(2) Local school boards shall annually review the U-PASS data regarding reading and achievement gaps identified under Section 53A-1a-108.5 at school and district levels and shall work with districts and schools to review and revise plans as needed to meet the goal set in Subsection (1)(b).

(3) (a) Each school district shall require the elementary schools within its district boundaries to develop, in conjunction with all other school planning processes and requirements, a reading achievement plan at each school for its kindergarten, first, second, and third graders to reach the reading goals set in Subsection (1)(b).

(b) The reading achievement plan shall be:

(i) subject to Subsection (3)(e), developed under the direction of the school community council or a subcommittee or task force created by the school community council; and

(ii) implemented by the school's principal, teachers, and other appropriate school staff.

(c) The school principal shall take primary responsibility to provide leadership and allocate resources and support for teachers and students, most particularly for those who are reading below grade level, to achieve the reading goals.

(d) Each reading achievement plan shall include:

(i) an assessment component that:

(A) allows only the principal, teachers, and other appropriate school staff to identify

those students who are reading below grade level;

(B) uses U-PASS and local assessment information throughout the year to determine students' instructional needs; and

(C) is consistent with the exemption provisions of Subsection 53A-1-603(3)(c) regarding such students as students with disabilities or limited English proficiency;

(ii) an intervention component:

(A) that provides adequate and appropriate interventions focused on bringing each student up to reading at or above grade level and which would permit retention in the grade level of a student reading below grade level based on a joint determination made by the principal or the principal's designee, the student's teacher, and the student's parent;

(B) based on best practices identified through proven researched-based methods;

(C) that includes parental participation; and

(D) that, as resources allow, involves a reading specialist; and

(iii) a reporting component consistent with the data to be included in the school performance report required under Section 53A-3-602.5.

(e) In developing or reviewing a reading achievement plan, a school community council or subcommittee or task force of a school community council may not have access to data that reveal the identity of students.

(4) The school district shall approve each school's plan prior to its implementation and review each plan annually.

Section 5. Section **53A-1a-103** is amended to read:

**53A-1a-103. Public education's mission.**

The Legislature recognizes that public education's mission is to assure Utah the best educated citizenry in the world and each individual the knowledge, skills, and training to succeed in a global society, by providing all students with learning and occupational skills, character development, literacy, and basic knowledge through a responsive educational system that guarantees local school communities autonomy, flexibility, and client choice, while holding them accountable for the results for all children in each student group.

Section 6. Section **53A-1a-104** is amended to read:

**53A-1a-104. Characteristics of public education system.**

The Legislature shall assist in maintaining a public education system that has the

following characteristics:

(1) assumes that all students have the ability to learn and that each student departing the system will be prepared to achieve success in productive employment, further education, or both;

(2) provides a personalized education plan or personalized education occupation plan for each student, which involves the student, the student's parent or guardian, and school personnel in establishing the plan;

(3) provides students with the knowledge and skills to take responsibility for their decisions and to make appropriate choices;

(4) provides opportunities for students to exhibit the capacity to learn, think, reason, and work effectively, individually and in groups;

(5) offers a world-class core curriculum that enables all students to successfully compete in a global society, and to succeed as citizens of a constitutional republic;

(6) incorporates an information retrieval system that provides students, parents, and educators with reliable, useful, and timely data on the progress of each student, school, and school district;

(7) attracts, prepares, inducts, and retains excellent teachers for every classroom in large part through collaborative efforts among the State Board of Education, the State Board of Regents, and school districts, provides effective ongoing professional development opportunities for teachers to improve their teaching skills, and provides recognition, rewards, and compensation for their excellence;

(8) empowers each school district and public school to create its own vision and plan to achieve results consistent with the objectives outlined in this chapter;

(9) uses technology to improve teaching and learning processes and for the delivery of educational services;

(10) promotes ongoing research and development projects at the district and the school level that are directed at improving or enhancing public education and closing achievement gaps;

(11) offers a public school choice program, which gives students and their parents options to best meet the student's personalized education needs;

(12) emphasizes the involvement of educators, parents, business partnerships, and the

community at large in the educational process by allowing them to be involved in establishing and implementing educational goals and participating in decision-making at the school site; and

(13) emphasizes competency-based standards and progress-based assessments, including ~~[tracking and]~~ information, accountability, and measurement systems.

Section 7. Section **53A-1a-106** is amended to read:

**53A-1a-106. School district and individual school powers.**

(1) In order to acquire and develop the characteristics listed in Section 53A-1a-104, each school district and each public school within its respective district shall implement a comprehensive system of accountability in which students advance through public schools by demonstrating competency in required skills and mastery of required knowledge through the use of diverse assessment instruments such as authentic and criterion referenced tests, projects, and portfolios.

(2) (a) Each school district and public school shall:

(i) develop and implement programs integrating technology into the curriculum, instruction, and student assessment;

(ii) provide for teacher and parent involvement in policymaking at the school site;

(iii) implement a public school choice program to give parents, students, and teachers greater flexibility in designing and choosing among programs with different focuses through schools within the same district and other districts, subject to space availability, demographics, and legal and performance criteria;

(iv) establish strategic planning at both the district and school level and site-based decision making programs at the school level;

(v) provide opportunities for each student to acquire and develop academic and occupational knowledge, skills, and abilities;

(vi) participate in ongoing research and development projects primarily at the school level aimed at improving the quality of education within the system; and

(vii) involve business and industry in the education process through the establishment of partnerships with the business community at the district and school level.

(b) (i) Each local school board, in consultation with school personnel, parents, and school community councils or similar entities shall establish policies to provide for the

effective implementation of a personalized student education plan (SEP) or student education/occupation plan (SEOP) for each student at the school site.

(ii) The policies shall include guidelines and expectations for:

(A) recognizing the student's accomplishments, strengths, and progress towards meeting student achievement standards as defined in U-PASS and the accountability system;

(B) planning, monitoring, and managing education and career development, including ways for ensuring the student meets the state's expectation for proficiency; and

(C) involving students, parents, and school personnel in preparing and implementing SEPs and SEOPs.

(iii) A parent may request conferences with school personnel in addition to SEP or SEOP conferences established by local school board policy.

(iv) Time spent during the school day to implement SEPs and SEOPs is considered part of the school term referred to in Subsection 53A-17a-103(5).

(3) A school district or public school may submit proposals to modify or waive rules or policies of a supervisory authority within the public education system in order to acquire or develop the characteristics listed in Section 53A-1a-104.

(4) (a) Each school district and public school shall make an annual report to its patrons on its activities under this section.

(b) The reporting process shall involve participation from teachers, parents, and the community at large in determining how well the district or school is performing, including school and school district performance on indicators specified under Section 53A-1-402.

(c) The report shall disaggregate reported information by race, ethnicity, economic status as measured by free or reduced price lunch participation, English language proficiency level, special education status, and gender.

Section 8. Section **53A-1a-107** is amended to read:

**53A-1a-107. State Board of Education assistance to districts and schools.**

In order to assist school districts and individual schools in acquiring and maintaining the characteristics set forth in Section 53A-1a-104, the State Board of Education shall:

(1) provide the framework for an education system, including core competencies and their assessment, in which school districts and public schools permit students to advance by demonstrating competency in subject matter and mastery of skills;

(2) develop and disseminate a state model curriculum, structured to incorporate the concepts of quality versus quantity, depth versus breadth, subject integration and application, applied thinking skills, character development, and a global prospective, which districts and schools may use to assist teachers in helping students acquire the competencies and skills required to advance through the public education system, and periodically review and, if appropriate, revise the curriculum;

(3) conduct a statewide public awareness program on competency-based educational systems;

(4) compile and publish, for the state as a whole, a set of educational performance indicators, including indicators under Sections 53A-1-402 and 53A-3-602.5 disaggregated by student group, describing trends in student performance, including trends in different student groups;

(5) promote a public education climate of high expectations and academic excellence;

(6) disseminate successful site-based decision-making models to districts and schools and provide teacher professional development opportunities and evaluation programs for site-based plans consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b);

(7) provide a mechanism for widespread dissemination of information about strategic planning for public education, including involvement of business and industry in the education process, in order to ensure the understanding and support of all the individuals and groups concerned with the mission of public education as outlined in Section 53A-1a-103;

(8) provide for a research and development clearing house at the state level to receive and share with school districts and public schools information on effective and innovative practices and programs in education;

(9) help school districts develop and implement guidelines, strategies, and professional development programs for administrators and teachers consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b) focused on improving interaction with parents and promoting greater parental involvement in the public schools; and

(10) in concert with the State Board of Regents and the state's colleges of education review and revise teacher licensing requirements to be consistent with teacher preparation for participation in personalized education programs within the public schools.

Section 9. Section **53A-1a-108** is amended to read:

**53A-1a-108. School community councils authorized -- Duties -- Composition --  
Selection of members.**

(1) The Legislature recognizes that a school community council is:

(a) for the benefit of all students; and

(b) best served when parents and guardians of students from different backgrounds,  
including race, ethnicity, economic status, special education status, and English language  
proficiency, are represented on the council, subject to election under this section.

~~[(1)]~~ (2) Each public school, in consultation with its local school board, shall establish  
a school community council at the school building level.

~~[(2)]~~ (3) (a) Each school community council shall:

(i) develop and review a school improvement plan in accordance with Section  
53A-1a-108.5;

(ii) develop the School LAND Trust Program in accordance with Section  
53A-16-101.5;

(iii) assist in the development and implementation of a staff professional development  
plan as provided by Section 53A-3-701;

(iv) develop a child access routing plan in accordance with Section 53A-3-402; and

(v) advise and make recommendations to school and school district administrators and  
the local school board regarding the school and its programs, school district programs, and  
other issues relating to the community environment for students.

(b) In addition to the duties specified in Subsection ~~[(2)]~~ (3)(a), a school community  
council for an elementary school shall develop a reading achievement plan in accordance with  
Section 53A-1-606.5.

~~[(3)]~~ (4) (a) Each school community council shall consist of school employees,  
including the school's principal, and parents or guardians of students who are attending the  
school, except for parents or guardians who are employed at the school.

(b) Except as provided in Subsection ~~[(3)]~~ (4)(c):

(i) each school community council for a high school shall have six parent or guardian  
members and five employee members, including the principal; and

(ii) each school community council for a school other than a high school shall have  
four parent or guardian members and three employee members, including the principal.

(c) (i) A school community council may have a larger membership provided that the number of parent and guardian members exceeds the number of employee members.

(ii) A school community council may have a smaller membership provided that:

(A) the number of parent and guardian members exceeds the number of employee members; and

(B) there are at least two employee members on the school community council.

~~[(4)]~~ (5) (a) Each employee member, except the principal, shall be elected by a majority vote of the employees and serves a two-year term beginning July 1. The principal shall serve as an ex officio member with full voting privileges.

(b) (i) Each parent or guardian member shall be elected at an election held at the school by a majority vote of those voting at the election and serves a two-year term beginning July 1.

(ii) Only parents or guardians of students attending the school may vote at the election under Subsection ~~[(4)]~~ (5)(b)(i).

(iii) A parent or guardian of a student qualifies to be a candidate for election to a school community council if at any time during the parent's or guardian's initial term of office, the student will be enrolled at the school.

(iv) Any parent or guardian of a student who meets the qualifications of this section may file or declare himself as a candidate for election to a school community council.

(c) Written notice of the elections held under Subsections ~~[(4)]~~ (5)(a) and ~~[(4)]~~ (5)(b) shall be given at least two weeks prior to the elections.

(d) Results of the elections held under Subsections ~~[(4)]~~ (5)(a) and ~~[(4)]~~ (5)(b) shall be made available to the public upon request.

(e) (i) If a parent or guardian position on a school community council remains unfilled after an election is held, the other parent and guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(ii) If an employee position on a school community council remains unfilled after an election is held, the other employee members of the council shall appoint an employee to fill the position.

(iii) The chair of the community council shall notify the local school board of each appointment made pursuant to Subsections ~~[(4)]~~ (5)(e)(i) or (ii).

(iv) A member appointed to a school community council pursuant to Subsection ~~[(4)]~~



(5)(e)(i) or (ii) shall serve a two-year term beginning July 1.

(f) Initial terms shall be staggered so that no more than 50% of the council members stand for election in any one year.

(g) Council members may serve up to three successive terms.

(h) (i) Each school community council shall elect a chair and vice chair from its parent or guardian members and elected employee members.

(ii) No more than one parent or guardian member or elected employee member may at the same time serve as an officer specified in Subsection ~~[(4)]~~ (5)(h)(i).

~~[(5)]~~ (6) (a) A school community council may create subcommittees or task forces to:

(i) advise or make recommendations to the council; or

(ii) develop all or part of a plan listed in Subsection ~~[(2)]~~ (3).

(b) Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.

(c) A school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents, school employees, or other community members.

Section 10. Section **53A-1a-108.5** is amended to read:

**53A-1a-108.5. School improvement plan.**

(1) (a) Each school community council shall annually evaluate the school's U-PASS test results and information under Section 53A-3-602.5 and use the evaluations in developing a school improvement plan.

(b) In evaluating U-PASS test results and information under Section 53A-3-602.5 and developing a school improvement plan, a school community council may not have access to data that reveal the identity of students.

(2) Each school improvement plan shall:

(a) identify the school's most critical academic needs~~[:]~~, including:

(i) annual identification and reporting on achievement gaps, as defined in Section 53A-1-602; and

(ii) annual evaluation on the school's progress in increasing student performance and closing achievement gaps;

(b) annually recommend a course of action to meet the identified needs~~[:]~~, including a

comprehensive plan of action to address achievement gaps;

(c) list any funding, programs, practices, materials, or equipment that the school will need to implement its action plan to have a direct impact on the instruction of students and result in measurable increased student performance and closing identified achievement gaps; and

(d) describe how the school intends to enhance or improve academic achievement and close identified achievement gaps, including how financial resources available to the school, such as School LAND Trust Program monies received under Section 53A-16-101.5 and state and federal grants, will be used to enhance or improve academic achievement and close achievement gaps.

(3) The school improvement plan shall focus on the school's most critical academic needs but may include other actions to enhance or improve academic achievement and community environment for students.

(4) The school principal shall make available to the school community council the school budget and other data needed to develop the school improvement plan.

(5) The school improvement plan shall be subject to the approval of the local school board of the school district in which the school is located.

(6) A school community council may develop a multiyear school improvement plan, but the plan must be presented to and approved annually by the local school board.

(7) Each school and school district shall:

(a) implement the school and school district improvement plan as developed by the school community council and approved by the local school board;

(b) provide ongoing support for the council's plan; and

(c) meet local school board reporting requirements regarding performance and accountability.

Section 11. Section **53A-3-402** is amended to read:

**53A-3-402. Powers and duties generally.**

(1) Each local school board shall:

(a) implement the core curriculum utilizing instructional materials that best correlate to the core curriculum and graduation requirements;

(b) administer tests, required by the State Board of Education, which measure the

progress of each student, and coordinate with the state superintendent and State Board of Education to assess results and create plans to improve the student's progress which shall be submitted to the State Office of Education for approval;

(c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;

(d) develop early warning systems for students or classes failing to make progress;

(e) work with the State Office of Education to establish a library of documented best practices, consistent with state and federal regulations, for use by the local districts; ~~and~~

(f) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in core academics[-];

(g) conduct an equity analysis to measure, compare, and report data, at the school and school district level, on performance, access, participation, and achievement gaps related to information reported under Sections 53A-3-602.5, 53A-1a-108.6, 53A-3-701, and 53A-1-402; and

(h) beginning in 2007, annually report by September 15 on the equity analysis under Subsection (1)(g), as part of a comprehensive district-wide report that identifies achievement gaps and school and district plans to close achievement gaps.

(2) (a) Local school boards shall spend minimum school program funds for programs and activities for which the State Board of Education has established minimum standards or rules under Section 53A-1-402.

(b) By the 2007-08 school year, a local school board shall develop a plan to allocate funds for programs and activities to address identified achievement gaps.

(3) (a) A board may purchase, sell, and make improvements on school sites, buildings, and equipment and construct, erect, and furnish school buildings.

(b) School sites or buildings may only be conveyed or sold on board resolution affirmed by at least two-thirds of the members.

(4) (a) A board may participate in the joint construction or operation of a school attended by children residing within the district and children residing in other districts either

586 within or outside the state.

587 (b) Any agreement for the joint operation or construction of a school shall:

588 (i) be signed by the president of the board of each participating district;

589 (ii) include a mutually agreed upon pro rata cost; and

590 (iii) be filed with the State Board of Education.

591 (5) A board may establish, locate, and maintain elementary, secondary, and applied  
592 technology schools.

593 (6) A board may enroll children in school who are at least five years of age before  
594 September 2 of the year in which admission is sought.

595 (7) A board may establish and support school libraries.

596 (8) A board may collect damages for the loss, injury, or destruction of school property.

597 (9) A board may authorize guidance and counseling services for children and their  
598 parents or guardians prior to, during, or following enrollment of the children in schools.

599 (10) (a) A board shall administer and implement federal educational programs in  
600 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

601 (b) Federal funds are not considered funds within the school district budget under Title  
602 53A, Chapter 19, School District Budgets.

603 (11) (a) A board may organize school safety patrols and adopt rules under which the  
604 patrols promote student safety.

605 (b) A student appointed to a safety patrol shall be at least ten years old and have written  
606 parental consent for the appointment.

607 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
608 of a highway intended for vehicular traffic use.

609 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
610 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
611 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

612 (12) (a) A board may on its own behalf, or on behalf of an educational institution for  
613 which the board is the direct governing body, accept private grants, loans, gifts, endowments,  
614 devises, or bequests that are made for educational purposes.

615 (b) These contributions are not subject to appropriation by the Legislature.

616 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue

617 citations for violations of Subsection 76-10-105(2).

618 (b) A person may not be appointed to serve as a compliance officer without the  
619 person's consent.

620 (c) A teacher or student may not be appointed as a compliance officer.

621 (14) A board shall adopt bylaws and rules for its own procedures.

622 (15) (a) A board shall make and enforce rules necessary for the control and  
623 management of the district schools.

624 (b) All board rules and policies shall be in writing, filed, and referenced for public  
625 access.

626 (16) A board may hold school on legal holidays other than Sundays.

627 (17) (a) Each board shall establish for each school year a school traffic safety  
628 committee to implement this Subsection (17).

629 (b) The committee shall be composed of one representative of:

630 (i) the schools within the district;

631 (ii) the Parent Teachers' Association of the schools within the district;

632 (iii) the municipality or county;

633 (iv) state or local law enforcement; and

634 (v) state or local traffic safety engineering.

635 (c) The committee shall:

636 (i) receive suggestions from parents, teachers, and others and recommend school traffic  
637 safety improvements, boundary changes to enhance safety, and school traffic safety program  
638 measures;

639 (ii) review and submit annually to the Department of Transportation and affected  
640 municipalities and counties a child access routing plan for each elementary, middle, and junior  
641 high school within the district;

642 (iii) consult the Utah Safety Council and the Division of Family Health Services and  
643 provide training to all school children in kindergarten through grade six, within the district, on  
644 school crossing safety and use; and

645 (iv) help ensure the district's compliance with rules made by the Department of  
646 Transportation under Section 41-6a-303.

647 (d) The committee may establish subcommittees as needed to assist in accomplishing

its duties under Subsection (17)(c).

(e) The board shall require the school community council of each elementary, middle, and junior high school within the district to develop and submit annually to the committee a child access routing plan.

(18) (a) Each school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in its public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.

(b) The board shall implement its plan by July 1, 2000.

(c) The plan shall:

(i) include prevention, intervention, and response components;

(ii) be consistent with the student conduct and discipline policies required for school districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

(iii) require inservice training for all district and school building staff on what their roles are in the emergency response plan; and

(iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (18)(a).

(d) The State Board of Education, through the state superintendent of public instruction, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).

(e) Each local school board shall, by July 1 of each year, certify to the State Board of Education that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

(19) (a) Each local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.

(b) The plan may be implemented by each secondary school in the district that has a sports program for students.

(c) The plan may:

(i) include emergency personnel, emergency communication, and emergency equipment components;

(ii) require inservice training on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and

(iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The board, in collaboration with the schools referred to in Subsection (19)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The State Board of Education, through the state superintendent of public instruction, shall provide local school boards with an emergency plan response model that local boards may use to comply with the requirements of this Subsection (19).

(20) A board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

Section 12. Section **53A-3-602.5** is amended to read:

**53A-3-602.5. School performance report -- Components -- Annual filing.**

(1) The State Board of Education, in collaboration with the state's 40 school districts, shall develop a school performance report to inform the state's residents of the quality of schools and school districts and the educational achievement of students in the state's public education system, including achievement gaps identified under this section.

(2) The report shall be written and include the following statistical data aggregated for each school ~~[in]~~ and each school district, as applicable, and ~~[shall also aggregate the data at the district and state level]~~ disaggregated at the state level by student group, as defined in Section 53A-1-602:

(a) except as provided in Subsection (2)(a)(ii), test scores over the previous year on:

(i) norm-referenced achievement tests;

(ii) criterion-referenced tests beginning with the 2001-02 school year, to include the scores aggregated and disaggregated by student group for all students by grade level ~~[or]~~ and by course for the previous two years and an indication of whether there was a sufficient magnitude of gain in the scores between the two years;

(iii) writing assessments required under Section 53A-1-603; ~~[and]~~

(iv) tenth grade student performance on basic skills competency tests required under

Section 53A-1-603;

(v) eleventh and twelfth grade student performance on basic skills competency tests required under Section 53A-1-603, including a separate report of students taking the test for the first time and those who have previously taken the test; and

(vi) basic high school diplomas, alternative completion diplomas, and certificates of completion awarded consistent with the requirements of Section 53A-1-611;

(b) college entrance examinations, including the number and percentage of each graduating class taking the examinations for the previous four years;

(c) advanced placement and concurrent enrollment data, including:

(i) the number and percent of students taking advanced placement and concurrent enrollment courses;

(ii) the number and percent of students taking a specific advanced placement course who take advanced placement tests to receive college credit for the course;

(iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and percent who pass the test; and

(iv) of those students taking a concurrent enrollment course, the number and percent of those who receive college credit for the course;

(d) the number and percent of students through grade ten reading at or above grade level;

(e) the number and percent of students who were absent from school ten days or more during the school year;

(f) achievement gaps that reflect the differences in achievement of various student groups as defined by State Board of Education rule consistent with Section 53A-1-602;

(g) the number and percent of [~~"student dropouts"~~] student dropouts, student grade completions, and student graduations within the district as defined by State Board of Education rule;

(h) course-taking patterns and trends in secondary schools;

(i) student mobility;

(j) staff qualifications, to include years of professional service and the number and percent of staff who have a degree or endorsement in their assigned teaching area and the number and percent of staff who have a graduate degree;



(k) the number and percent of parents who participate in SEP, SEOP, and parent-teacher conferences;

(l) average class size by grade level and subject;

(m) average daily attendance as defined by State Board of Education rule, including every period in secondary schools; and

(n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch.

(3) The State Board of Education, in collaboration with the state's school districts, shall provide for the collection and electronic reporting of the following data for each school in each school district:

(a) test scores and trends over the previous four years on the tests referred to in Subsection (2)(a);

(b) the average grade given in each math, science, and English course in grades 9 through 12 for which criteria-referenced tests are required under Section 53A-1-603;

(c) incidents of student discipline as defined by State Board of Education rule, including suspensions, expulsions, and court referrals; and

(d) the number and percent of students receiving fee waivers and the total dollar amount of fees waived.

(4) (a) ~~[The]~~ By July 1, 2006, the State Board of Education shall adopt common definitions and data collection procedures for local school boards to use in collecting and forwarding the data required under Subsections (2) and (3) to the state superintendent of public instruction.

(b) The state board, through the state superintendent of public instruction, shall adopt standard reporting forms and provide a common template for collecting and reporting the data, which shall be used by all school districts.

(c) The state superintendent shall use the automated decision support system referred to in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

(5) (a) For the school year ending June 30, 2003, and for each year thereafter, the state board, through the state superintendent of public instruction, shall issue its report annually by October 1 to include the required data from the previous school year or years as indicated in Subsections (2) and (3).

(b) The state board shall determine the nature and extent of longitudinal data to be reported under Subsections (2)(b), (c), and (d) and (3)(a) during the first three years of the reporting program, with the baseline reporting year beginning July 1, 2002 and ending June 30, 2003.

(6) (a) Each local school board shall receive a written or an electronic copy of the report from the state superintendent of public instruction containing the data for that school district in a clear summary format and have it distributed, on a one per household basis, to the residence of students enrolled in the school district before November 30th of each year.

(b) Each local school board and the state board shall have a complete report of the statewide data available for copying or in an electronic format at their respective offices.

Section 13. Section **53A-3-701** is amended to read:

**53A-3-701. School and school district professional development plans.**

(1) (a) (i) Each public school and school district shall develop and implement a systematic, comprehensive, and long-term plan for staff professional development.

(ii) Each school and school district professional development plan shall include plans for addressing achievement gaps in access and outcomes for students as indicated in Section 53A-1a-108.5 and using information provided pursuant to Section 53A-3-602.5.

(b) Each school shall use its school community council, school directors, or a subcommittee or task force created by the school community council as provided in Section 53A-1a-108 to help develop and implement the plan.

(2) Each plan shall include the following components:

(a) an alignment of professional development activities at the school and school district level with:

(i) the school improvement plan under Section 53A-1a-108.5;

(ii) the School LAND Trust Program authorized under Section 53A-16-101.5;

(iii) the Utah Performance Assessment System for Students under Title 53A, Chapter 1, Part 6, Achievement Tests;

(iv) Sections 53A-6-101 through 53A-6-104 of the Educator Licensing and Professional Practices Act;

(v) Title 53A, Chapter 9, Teacher Career Ladders; and

(vi) Title 53A, Chapter 10, Educator Evaluation;

- 803 (b) provision for the development of internal instructional leadership and support;  
804 (c) the periodic presence of all stakeholders at the same time in the professional  
805 development process, to include administrators, educators, support staff, parents, and students;  
806 (d) provisions for the use of consultants to enhance and evaluators to assess the  
807 effectiveness of the plan as implemented; and  
808 (e) the time required for and the anticipated costs of implementing and maintaining the  
809 plan.
- 810 (3) (a) Each local school board shall review and either approve or recommend  
811 modifications for each school plan within its district so that each school's plan is compatible  
812 with the district plan.
- 813 (b) The board shall:
- 814 (i) provide positive and meaningful assistance to a school, if requested by its  
815 community council or school directors, in drafting and implementing its plan; and  
816 (ii) monitor the progress of each school plan and hold each school accountable for  
817 meeting the objectives of its plan.
- 818 (4) The State Board of Education, through the superintendent of public instruction,  
819 shall work with school districts to identify the resources required to implement and maintain  
820 each school's and school district's professional development plan required under this section.

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**Legislative Review Note**  
**as of 1-31-06 1:11 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note****Education Accountability***10-Feb-06***Bill Number HB0185***10:54 AM*

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**State Impact**

Implementing the provisions of this bill may require a local school board to reallocate expenditures among various programs in order to complete the equity analysis provisions outlined in the bill. Other accountability and reporting provisions outlined in the bill can be handled within the current budget of the Utah State Office of Education.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**